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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

WINDSOR AUCTIONS, INC., a Florida
corporation, and JEWELRY AUCTIONS
CORPORATION, a New Jersey corporation,

Plaintiffs,

v.

EBAY, INC., a Delaware corporation,
Defendant.

Case No. C 07 06454 RMW

DECLARATION OF ADAM SAND

Date: March 28, 2008
Time: 9:00 a.m.
Judge: Ronald M. Whyte
Trial Date: Not yet set

I, Adam Sand, hereby declare as follows:

1. I am an attorney in the legal department at eBay Inc. ("eBay"). My title is Litigation Counsel. I have personal knowledge of the following facts, and, if called upon to testify, I could and would testify competently thereto.

2. A true and correct copy of the agreement between eBay Inc. and Windsor Auctions, dated April 26, 2005 ("Agreement"), referred to in paragraphs 10, 31 and 35 of Plaintiff's Complaint, will be lodged with the Court under seal pending the Court's granting of

1 the Administrative Motion to File Under Seal filed herewith.

2 3. Paragraph 10 of the Agreement contains a confidentiality provision which
3 designates the terms of the agreement as confidential. Each page of the Agreement is marked
4 "Confidential."

5 4. In Paragraph 35 of the Complaint, Plaintiffs acknowledge the existence of this
6 Agreement as well as its confidential nature.

7 5. Paragraph 8 of the Agreement provides that the Agreement is non-exclusive.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is
9 true and correct. Executed this 12 day of February 2008 at SAN JOSE, California.

10
11 
12 Adam Sand